UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,714	11/13/2001	Mike J. Dinkel	89190.119201/DP-306190	6339

7590 01/06/2004

Delphi Technologies, Inc.
P.O. Box 5052
Mail Code 480414420
Troy, MI 48007

EXAMINER	
CORRIGAN, JAIME W	
ART UNIT	**PAPER NUMBER**
3748	11

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/007,714	DINKEL ET AL.	
	Examiner	Art Unit	
	Jaime W Corrigan	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *20-22* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

Applicant's election of claims 1-19 in Paper No. 10 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 20-22 are withdrawn from further consideration by the examiner, 37CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Gluf, Jr. (PN 5,855,229).

Applicant's specification discloses a) a first plate (See Applicant's prior art Figure 2 (40)) having on one side thereof a first mating surface formed in a first pattern delineating first portions of various oil flow galleries (See Applicant's prior art Figure 2 (76)) in said assembly; b) a second plate (See Applicant's prior art Figure 2 (44)) having on one side thereof a second mating surface formed in a second pattern delineating second portions of said various oil flow galleries and matable with said first

surface; and c) a bonding zone (See Applicant's prior art Figure 2 (40), (44)) including said first and second mating surfaces wherein said first and second plates are attached to each other; said second patter is a mirror image of said first pattern (See Applicant's prior art Figure 2 (40), (44)).

Applicant's specification fails to disclose at least one of said first and second plates is formed of a polymer; a fusion zone; fusion created by vibration and pressure; plurality of solenoid valves; solenoid valves are fusibly mounted; retainer attached to second plate; retainer with tabs; manifold assembly without threaded fasteners; first plate and second plate are joined by fusing; hollow member for positive crankcase ventilation; retainer has labyrinthine pathway; global oil supply communicates via bleed passage; bleed passage with oil restriction orifice; specific orifice diameter; polymer with glass; polymer is high temperature; glass is PPA.

Gluf teaches that it is conventional in the art to utilize at least one of said first and second plates is formed of a polymer (See Figure 1 (20), Column 3 Lines 34-37); said bonding zone is a fusion zone wherein said first and second surfaces are fused together (See Figure 1 (20)); said fusion is created by vibration and pressure (See Figure 1 (20)); the frequency of said vibration is about 120 to about 240 Hz and the amplitude of said pressure is about 200 to about 400 pounds per square inch of either of said first and second mating surfaces (See Figure 1 (20)); a plurality of solenoid valves (See Figure 4 (30)) mounted on said second plate for variably and controllably regulating flow (See Column 4 Lines 9-15) of oil to and from predetermined ones of said deactivation valve lifters; said solenoid valves (See Figure 4 (30)) are fusibly

mounted to said second plate; a retainer (See Figure 1 (24)) attached to said second plate and having a plurality of buckets (See Figure 1 (32)) for retaining said plurality of solenoid valves in operational position with respect to said second plate; said retainer further comprises a plurality of tabs (See Figure 1 (40)) for attaching said retainer to said second plate; said manifold assembly is free of threaded fasteners (See Figure 1 (20)); said retainer includes a first plate and a second plate which are joined as by fusing to form said retainer (See Figure 1 (32), (40)); said retainer (See Figure 1 (24)) includes a hollow member (See Figure 1 (50)) for use as a positive crankcase ventilation baffle, said member having an entry (See Figure 1 (50)) port and an exit (See Figure 1 (50b)) port and being connectable to an intake manifold of said internal combustion engine (See Abstract); said retainer further comprises a plurality of internal walls forming a labyrinthine pathway for engine vapors (See Figure 1 (32), (40)); a global oil supply (See Column 4 Lines 9-31) gallery and a plurality of individual (See Column 4 Lines 9-31) oil supply galleries, wherein said global supply gallery is in communication with each of said individual supply galleries via a bleed (See Figure 1 (22)) passage formed in at least one of said first and second plates; said bleed passage includes an oil restriction orifice (See Figure 1 (22a)); said orifice has a diameter of about 0.4 to about 0.6 mm (See Figure 1 (22a)); said polymer is glass-filled (See Figure 1 (20), Column 3 Lines 34-37); said glass-filled polymer is a high temperature grade (See Figure 1 (20), Column 3 Lines 34-37); said glass-filled polymer is PPA (See Figure 1 (20), Column 3 Lines 34-37).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the at least one of said first and second plates is formed of a polymer taught by Gluf in the admitted prior art manifold since it would reduce manifold weight and significantly reduce costs.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kephart (PN 5,819,776), Bankier et al. (PN 5,846,493), Voss et al. (PN 5,242,016) disclose similar manifold assemblies.

Any inquiry concerning this communication from the examiner should be directed to Examiner Jaime Corrigan whose telephone number is (703) 308-2639. The examiner can normally be reached on Monday - Friday from 8:30 a.m. – 6:00 p.m. 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (703) 308-2623. The fax number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

JC

Jaime Corrigan
Jaime Corrigan

Patent Examiner

December 29, 2003

Art Unit 3748

THOMAS DENION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700